

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MOHAMED R. DASHTIZADEH

v.

HONEYWELL INTERNATIONAL, INC.,
ET AL.

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Civil No. – JFM-14-553

MEMORANDUM

Mohamed R. Dashtizadeh has brought this action against Honeywell International, Inc. (the successor to Bendix Corporation) and Earl's Discount Auto Parts, Inc.¹

Plaintiff originally asserted a variety of claims against defendants. The only claims that he is now pursuing are those for strict liability and negligence. Discovery has been completed, and defendants have moved for summary judgment. Those motions will be granted.

There are two reasons that defendants' motions are clearly well-founded.²

First, to the extent that the brakes to which plaintiff was exposed manufactured by Bendix and sold by Earl's contained asbestos. The brakes did not give rise to any viable claim because they contained a warning about the dangers of asbestos that fully complied with the applicable OSHA requirements. *See Kline v. ABCO Eng'g Corp.*, 991 F. Supp. 747, 750 (D. Md. 1997); *Lightolier v. Hoon*, 387 Md. 539, 557, 876 A.2d 100, 111 (2005).

Second, plaintiff cannot establish (by direct or circumstantial evidence) that brakes manufactured by Bendix and sold by Earl's constituted "a substantial factor" to his asbestosis. It

¹Plaintiff also named as defendant Borgwarner Morse Tec., Inc. and Advanced Auto Parts, LLC as defendants. Plaintiff dismisses claims against both of these defendants. They remain only as cross-defendants. In light of the fact that I am granting defendants' motions for summary judgment, the cross-claims are moot.

² In light of my disposition of the case, I need not rule the sealed container defense asserted by Earl's.

is undisputed that by the time that plaintiff was exposed to any such brakes Bendix manufactured brakes, some of which contained asbestos and some of which did not. Plaintiff has presented absolutely no evidence that the brakes manufactured by Bendix and sold by Earl's contains asbestos.

A separate order granting defendants' motions and entering judgment on their behalf is being entered herewith.

Date: June 12, 2015

/s/
J. Frederick Motz
United States District Judge